

REMARKS

In the Office Action<sup>1</sup>, the Examiner objected to claims 1, 7, and 9; rejected claims 1-14 under 35 U.S.C. § 112, second paragraph; rejected claims 1-3, 5-9, and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Publication No. 7-205244 to Moriwaki (“*Moriwaki*’ 244”) in view of Japanese Publication No. 7-290548 to Sekido (“*Sekido*”); rejected claims 1-3, 5-9, and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Publication No. 62-1870009 to Moriwaki (“*Moriwaki* ‘009”); rejected claims 4 and 10 under 35 U.S.C. § 103(a) as being unpatentable over *Moriwaki*’ 244, in view of *Sekido*, and further in view of European Patent Application No. 418398 to Neko et al. (“*Neko*”) or *Moriwaki*’ 099 in view of *Neko*; rejected claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over *Neko*; rejected claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Publication No. 2001-287254 to Moriwaki (“*Moriwaki*’ 254”) in view of *Neko*; rejected claims 1-3, 5-9, and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over *Moriwaki*’ 244, in view of *Sekido*, in view of U.S. Patent No. 4,905,165 to Inden et al. (“*Inden*”), and further in view of Colorblind Barrier Free (“*Colorblind*”); rejected claims 1-3, 5-9, and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Publication No. 62-187009 to Moriwaki (“*Moriwaki* ‘009”), in view of *Inden*, and further in view of *Colorblind*; rejected claims 4 and 10 under 35 U.S.C. § 103(a) as being unpatentable over *Moriwaki* ‘009, in view of *Inden*, in view of *Colorblind*, and further in view of *Neko*; rejected claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

over *Neko*, in view of *Inden*, and further in view of *Colorblind*; and rejected claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over *Moriwaki '254*, in view of *Neko*, in view of *Inden*, and further in view of *Colorblind*.

Applicants have amended claims 1, 7, and 9 and canceled claims 2, and 8.

Claims 1, 3-7, and 9-14 remain pending.

Regarding the objection to claims 1, 7, and 9, Applicants have amended claims 1, 7, and 9 to remove “that.” Therefore, Applicants request that the Examiner withdraw the objection to claims 1, 7, and 9.

Regarding the rejection of claims 1-14 under 35 U.S.C. § 112, second paragraph, the Examiner states that claims 1 and 7 are “incomplete for omitting essential elements” (Office Action at page 2). The Examiner asserts that the omitted elements are “a display for showing a thicker marking” (Office Action at page 2). In response, Applicants have amended claim 1 to include “a display for displaying the measured value waveform having the excess portion to which the marking is applied.” Claim 7 has been similarly amended. Therefore, Applicants request that the Examiner withdraw the rejection of claims 1-14 under 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse the rejection of claims 1-14 under 35 U.S.C. § 103(a). The Examiner asserts that “the marking relates to the content of information being displayed rather than any functionality or methodology involved in causing the display itself, features best described as ‘non-functional descriptive material’” (Office Action at page 4). The Examiner also asserts that “[s]uch descriptive material should not be given patentable weight absent a new and unobvious functional

relationship between the descriptive material and the substrate (i.e. display)" (Office Action at page 4).

Applicants respectfully disagree with the Examiner's statements. Claim 1 recites a "waveform monitoring apparatus." The apparatus includes several elements, including a "marking applier," and the "marking applier" applies a "marking" to an "excess portion." The "marking" is "thicker" than the "other portions of the measured value waveform that do not exceed the reference pressure."

The apparatus according to claim 1 may generate a "measured value waveform" and apply a "marking" to the waveform. Applicants submit that the elements in claim 1 are used to both generate a displayed waveform and provide a "marking" on the displayed waveform. In contrast to the Examiner's statements, the claimed thicker "marking" is not merely non-functional descriptive material at least because the "apparatus" may generate a waveform and provide indications on the display in the form of the "marking."

The Examiner appears to assert that claim 1 is directed only to causing the display (Office Action at page 4). This is not correct. The elements recited in claim 1 may be used to generate a "waveform," monitor the "waveform," and apply the claimed "marking" to the "waveform," for example. Even assuming that the claimed "marking" relates to the content of information being displayed as stated by the Examiner (Office Action at page 4), which Applicants do not necessarily concede, the displayed information referenced by the Examiner is an element of the claimed "monitoring apparatus." Therefore, the claimed "thicker" marking must be given patentable weight

at least because a functional relationship between the waveform and the “marking” exists.

The claimed “marking” distinguishes the cited references. Applicants submit that the references applied in the § 103 rejections do not teach or suggest the claimed combination of elements including, for example, applying a marking “wherein the marking is thicker than other portions of the measured value waveform that do not exceed the reference pressure.”

Independent claim 7 recites a “method for monitoring a waveform,” and the method includes the step of “applying a marking to an excess portion of the measured value waveform determined in the determinant step,” “wherein the marking is thicker than other portions of the measured value waveform that do not exceed the reference pressure.” The above step is part of the monitoring method. Accordingly, this step must be given patentable weight.

Applicants submit that the cited references do not teach or suggest the claimed combination of elements including, for example, “applying a marking to an excess portion of the measured value waveform determined in the determinant step,” “wherein the marking is thicker than other portions of the measured value waveform that do not exceed the reference pressure,” as recited in claim 7.

The Examiner’s rejections of claims 1, 3-7, and 9-14 do not satisfy the tenets of a proper 35 U.S.C. § 103(a) rejection. The rejections are therefore improper. Accordingly, independent claims 1 and 7 and dependent claims 3-6 and 9-14 are allowable.

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Attorney Docket No. 10131.0014

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of the application and withdrawal of the rejections. Pending claims 1, 3-7, and 9-14 are in condition for allowance, and Applicants request a favorable action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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